

## REMARKS

In the Official Action mailed on **April 20, 2005**, the Examiner reviewed claims 1-43. Claims 1-43 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pedersen et al. (USPN 5,862,348, hereinafter "Pedersen").

### Rejections under 35 U.S.C. § 102(e)

Independent claims 1, 13, 25, and 38 were rejected as being anticipated by Pedersen. Applicant respectfully points out that Pedersen uses a **broadcast election process** (see Pedersen column 5, lines 31-48 and FIG. 4). A node (requesting node) broadcasts its election criteria. If the node receiving this election criteria (receiving node) has higher election criteria than the requesting node, the receiving node broadcasts its own election criteria to the other nodes. In response to this second broadcast by the previous receiving node, if another receiving node has higher election criteria, it broadcasts its election criteria. This broadcast process continues until a new primary node is found.

In contrast, in the present invention, each active node executes a process that selects and configures a primary server by **communicating through a set of lockable, shared candidate variables** located on the individual nodes that are accessed remotely by all of the active nodes (see page 9, lines 16-23; page 10, lines 22-25; page 11, lines 1-6 and 15-27; page 12, lines 1-4; and FIG. 4, FIG. 6, and FIG. 7 of the instant application). Note that this disqualification system based on shared memory provides significant advantages because it can be used in systems that lack a broadcast mechanism, such as systems that provide a shared memory communication mechanism as in the instant invention. There is nothing within Pedersen, either explicit or implicit, which suggests a process that selects and configures a primary server by communicating through a set of lockable, shared candidate variables located on the individual nodes that are accessed remotely by all of the active nodes.


Accordingly, Applicant has amended independent claims 1, 13, 25, and 38 to clarify that the process to select and configure a primary server uses a set of lockable, shared candidate variables that are located on the individual nodes and accessed remotely by all of the active nodes to disqualify individual nodes. These amendments find support on page 9, lines 16-23; page 10, lines 22-25; page 11, lines 1-6 and 15-27; page 12, lines 1-4; and FIG. 4, FIG. 6, and FIG. 7 of the instant application.

Hence, Applicant respectfully submits that independent claims 1, 13, 25, and 38 as presently amended are in condition for allowance. Applicant also submits that claims 2-12, which depend upon claim 1, claims 14-24, which depend upon claim 13, claims 26-37, which depend upon claim 25, and claims 39-43, which depend upon claim 38, are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

**CONCLUSION**

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

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